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BENJAMIN P. MUSTIAN

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

July 21, 2006

\*ALSO ADMITTED IN TX  
\*\*ALSO ADMITTED IN VA

**VIA HAND DELIVERY**

The Honorable Charles L.A. Terreni  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Application of United Utility Companies, Inc. for adjustment of rates  
and charges and modifications to certain terms and conditions for the  
provision of water and sewer service; Docket No. 2006-107-WS

Dear Mr. Terreni:

Enclosed for filing please find the original and ten (10) copies of Applicant's Request for Leave to Take Deposition of GTSC Witnesses. Pursuant to 26 SC Code Ann. Regs. R. 103-852, I am providing notice to the deponents and each proposed intervenor or party of record to this proceeding, subject to pending motions to dismiss or limit their intervention by providing a copy of this request and enclose a certificate of service to that effect.

I would appreciate your acknowledging receipt of this document by date-stamping the extra copy that is enclosed and returning it to me via my courier. If you have any questions or if you need any additional information, please do not hesitate to contact us.

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**



Benjamin P. Mustian

BPM/amw  
Enclosures

The Honorable Charles L.A. Terreni

July 21, 2006

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cc: Shannon B. Hudson, Esquire  
Nanette S. Edwards, Esquire  
Duke K. McCall, Jr., Esquire  
Newton Horr  
Jacqueline H. Patterson, Esquire  
Robert Richburg  
Cliff Brown

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2006-107-WS**

RECEIVED  
PUBLIC SERVICE COMMISSION  
JUL 21 PM 3:27  
COLUMBIA, SOUTH CAROLINA

IN RE: )  
)  
Application of United Utility Companies, )  
Inc. for adjustment of rates and charges )  
and modifications to certain terms )  
and conditions for the provision of )  
water and sewer service. )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of **United Utility Companies, Inc.'s Request for Leave to take Depositions of GTSC Witnesses** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Shannon B. Hudson, Esquire  
Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

Duke K. McCall, Jr., Esquire  
**Leatherwood Walker, Todd & Mann, PC**  
Post Office Box 87  
Greenville, South Carolina 29602

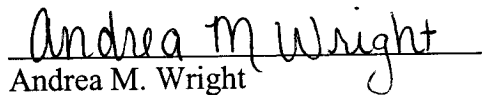
Mr. Newton Horr  
131 Greybridge Road  
Pelzer, South Carolina 29669

This is to further certify that I have caused to be served this day one (1) copy of **United Utility Companies, Inc.'s Request for Leave to take Depositions of GTSC Witnesses** by placing same in the care and custody of the United States Postal Service certified with return receipt requested with appropriate postage affixed thereto and addressed as follows:

Jacqueline H. Patterson, Esquire  
**Patterson & Coker, PA**  
1225 South Church Street  
Greenville, South Carolina 29605

Robert Richburg, President  
Greenville Timberline SC, LLC  
7 Washington Park  
Greenville, SC 29601

Cliff Brown  
Greenville Timberline SC, LLC  
7 Washington Park  
Greenville, SC 29601

  
Andrea M. Wright

Columbia, South Carolina  
This 21<sup>st</sup> day of July, 2006.

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2006-107-W/S**

IN RE: )  
)  
Application of United Utility Companies, )  
Inc. for adjustment of rates and charges )  
and modifications to certain terms )  
and conditions for the provision of )  
water and sewer service. )  
\_\_\_\_\_ )

**REQUEST FOR LEAVE TO  
TAKE DEPOSITIONS OF GTSC  
WITNESSES**

Applicant, United Utility Companies, Inc. ("UUC" or "Applicant"), pursuant to 26 S.C. Code Ann. Regs. R. 103-852 hereby requests of the Commission leave to take the depositions of designated witnesses of Greenville Timberline SC, LLC ("GTSC"). In support of its request, UUC would show unto this honorable Commission as follows:

1. On or about May 22, 2006, GTSC filed a Petition to Intervene ("Petition") in the above captioned matter. The Petition alleged, among other issues, that UUC's application for an adjustment to its rates and charges will affect GTSC and its future customers, that the request violates the "intent and spirit of the Agreement" between GTSC and UUC, and that the request "will cause substantial harm to its economic viability."

2. On or about June 9, 2006, UUC filed a Motion to Dismiss GTSC's Petition ("Motion") on the grounds that GTSC lacks sufficient interest to intervene in this matter, issues asserted in the Petition are barred by the doctrines of *res judicata* and laches, and GTSC failed to assert a proper claim. In the alternative, UUC moved that, should GTSC be permitted to intervene in this action, the Commission preclude GTSC from attempting to introduce evidence into the record of this case in furtherance of its effort to litigate issues relevant to its contractual relationship with UUC and to limit the scope of GTSC's intervention to like extent. To date, the Commission has not ruled on this Motion.

3. On or about June 9, 2006, UUC served on GTSC its First Set of Interrogatories and First Set of Requests for Production (“Interrogatories”). Interrogatory 1-1 requested GTSC to “identify all persons whom the Intervenor intends to offer as witnesses in the Commission's hearing scheduled in this proceeding and set forth a summary sufficient to inform the Company of facts known by such persons.” On or about July 6, 2006, GTSC served upon UUC its Answer to UUC’s First Set of Interrogatories and First Set of Requests for Production to Greenville Timberline SC, LLC (“Answer”). In response to Interrogatory 1-1, GTSC provided that it intends to offer the following persons as witnesses in this matter:

Robert Richburg, President  
Greenville Timberline SC, LLC  
7 Washington Park  
Greenville, SC 29601

Cliff Brown  
Greenville Timberline SC, LLC  
7 Washington Park  
Greenville, SC 29601

GTSC further responded that these witnesses will testify as to the following:

each of their personal knowledge regarding the negotiations and expectations surrounding the contract dated July 9, 2001. Additionally, each will testify as to lands owned by GTSC and to the negative impact of the rate increases on those lands since 2001. Furthermore, each will testify as to the facts surrounding the transfer of the plant, the updates made to the plant prior to the transfer of title, and the contribution of GTSC in the upgrade.

4. UUC seeks to establish facts relating to GTSC’s various assertions made in its Petition and its Answer including statements that the Application violates the intent and the spirit of the July 9, 2001, contract executed by the parties and the “personal knowledge regarding the negotiations and expectations surrounding the contract” that will purportedly be testified to by the Robert Richburg and Cliff Brown.

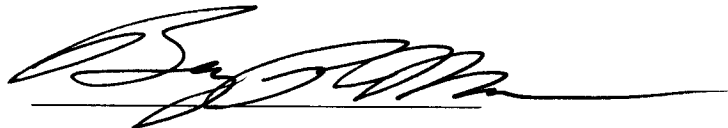
5. Should the Commission grant the Motion to Dismiss GTSC’s Petition to Intervene, these contractual issues may be mooted. However, as the Commission has not yet

ruled upon the Motion, the Applicant submits that the development of such facts is critical to the Company's ability to defend itself against the allegations made by the Proposed Intervenor GTSC in its Answer and in its Petition.

6. UUC requests that the Hearing Officer, pursuant to 26 SC Code Ann. Regs. R. 103-852, S.C. Code Ann. Section 58-3-40 and Order No. 2006-410, issued on July 18, 2006, in the above reference docket, issue an Order permitting Applicant to depose Robert Richburg and Cliff Brown referenced herein, that Applicant be permitted to depose said individuals on the matters described herein, that such deposition be based upon oral examination, that the depositions take place at 10:30 a.m. on Tuesday, August 1, 2006, at the offices of Willoughby & Hoefer, P.A., 930 Richland Street, Columbia, Fourth Floor, South Carolina, 29202. Applicant understands that it will be required to bear all costs incident to the taking of such depositions.

WHEREFORE having fully set forth its basis and grounds for this request, Applicant respectfully requests that this Commission issue an order in accordance herewith.

**WILLOUGHBY & HOEFER, P.A.**

A handwritten signature in black ink, appearing to read "John M.S. Hoefer", written over a horizontal line.

John M.S. Hoefer  
Benjamin P. Mustian  
Post Office Box 8416  
Columbia, South Carolina 29202-8416  
803-252-3300  
Attorneys for Applicant

Columbia, South Carolina  
This 21st day of July, 2006